



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Gary Lamolinara
Edward Lamolinara

Serial No. 10/645,377

Filing Date: August 21, 2003

Assignee: Special Lite Products Co., Inc.

Confirmation No.: 7458

Group Art Unit: 2875

Examiner: Bertrand Zeade

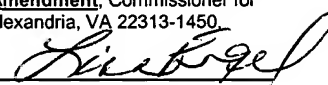
Patent Application

Light Fixture Assembly

Attorney Docket No. 030012

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**DECLARATION OF PRIOR INVENTION IN THE UNITED STATES
TO OVERCOME CITED PATENT (37 C.F.R. § 1.131)
BY GARY LAMOLINARA AND EDWARD LAMOLINARA**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PURPOSE OF DECLARATION

This Declaration is to establish completion of the invention in this application in the
United States at a date prior to July 17, 2003 the effective date of U.S Patent Application No. US
20050013196 to Russo.

The persons making this Declaration are Gary Lamolinara and Edward Lamolinara.

FACTS AND DOCUMENTARY EVIDENCE

To establish the date of completion of the invention in this application, the following is attached and submitted as evidence:

Exhibit A - consists of emails between Gary Lamolinara and Michael Tsang showing that the light fixture as shown in the drawings in the application existed prior to July 17, 2003 (the date of the emails have been deleted along with other confidential information.).

Prior to July 17, 2003 we completed the invention as claimed and described in the application as evidenced by the following:

- a. Prior to July 17, 2003, having earlier conceived the idea of light fixture assembly having a light fixture body, a post mount having a hard wired lighting socket, a chain mount having a hard wired lighting socket, a coach mount having a hard wired lighting socket, and a finishing piece with twist locking, we contacted Michael Tsang to purchase tooling to manufacture the light fixture as evidenced by Exhibit A. The Exhibit emails were all dated prior to July 17, 2003.
- b. From Exhibit A, it can be seen that the invention was made prior to July 17, 2003.

- c. The dates deleted from the original emails in Exhibit A are all prior to July 17, 2003.

As a person signing below:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURES OF INVENTORS:

Inventor Name: Gary Lamolinara

Inventor's signature

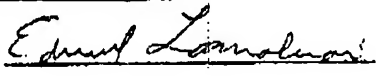
Date


12/5/05

Inventor Name: Edward Lamolinara

Inventor's signature

Date


Dec 5, 2005

Lamolinara

From: [REDACTED]
To: "Lamolinara" [REDACTED]
Sent: [REDACTED]
Subject: Fw: Twist & lock system on the existing tools.

— Original Message —

From: Lamolinara
To: [REDACTED]
Sent: Sunday, [REDACTED]
Subject: Fw: Twist & lock system on the existing tools.

— Original Message —

From: Lamolinara
To: michael Tsang
Cc: Sam "Brian" Richards
Date: [REDACTED]
Subject: Re: Twist & lock system on the existing tools.

Michael,

Thank you for looking into the possible use of the existing tooling.

We feel that the twist lock is a very important project for Special Lite and for [REDACTED] Please begin ordering tooling Now [REDACTED]
the MED. Rose Garden Twist lock system. Med ROSE GARDEN only LID and CAGE

I approve the [REDACTED] BUS \$ for new tooling on the ROSE GARDEN Twist Lock Cage & Lid. With a [REDACTED]

Sam has sent to [REDACTED] Photos of the parts that we will need for this new system to work. Please give us your thoughts if any thing needs to change.

[REDACTED]

[REDACTED]

[REDACTED]

— Original Message —

From: michael Tsang <[REDACTED]>
To: Gary Lamolinara—SP <[REDACTED]>
Cc: sunnyjlee <[REDACTED]>
Date: Sunday, [REDACTED]
Subject: Twist & lock system on the existing tools.

Dear Gary,

I have reviewed with my guys. Since the metal feeding gates are all from the middle there is no chance to amend the existing tools for the twist & lock purpose. The only way seems to be making new set of tools.

For the med size floral tools the cost I can go is USD [REDACTED] (both the top & the cage).

EXHIBIT A
(PAGE 1 OF 5)

for the med size rose garden is USD [REDACTED]

[REDACTED]

[REDACTED]

Best regards
Michael

EXHIBIT A
(PAGE 2 OF 5)

AMENDMENT IN RESPONSE TO 9-7-05
SERIAL NO. 10/645,377 / FILING DATE: AUG. 21, 2003
EXPRESS MAIL NO. EV 637 260 835 US

Lamolinara

From: "Michael Tseng" [REDACTED]
To: "Gary Lamolinara" [REDACTED]
Cc: "Sam-ep" [REDACTED] "Tony Ouyang" [REDACTED]
Sent: Wednesday, [REDACTED]
Subject: Rose garden Med size twist & lock

Dear Gary & Sam,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
The twist & lock sample of the flower model & rose garden model will be completed this week and I am expecting to send you by Friday or Saturday.
Would you like to have them Fedex or UPS or some other slower couriers?

Best regards
Michael

EXHIBIT A
(PAGE 3 OF 5)

Lamolinara

From: "Lamolinara"
To: [REDACTED]
Cc: "Michael Tsang, Personal"; "Sam Richards @ special file office"
Sent: Monday, [REDACTED] 10:11 AM
Subject: Twist Lock Confirm with Michael

This is to confirm the conversation between Michael and Gary on [REDACTED]

Special Life is working with the Twist Lock device for the Outdoor lanterns.

[REDACTED] a Unique "Convertible Fixture" i.e.: Top Mount
Bottom Mount, Post Mount, Chain Pendant.

[REDACTED] any twist locking convertible
pendants, Bottom Mounts Twist Lock fixtures, Top mount, Post mounts, Chain

Please confirm agreement and receipt.

Thank you Gary

EXHIBIT A
(PAGE 4 OF 5)

Lamolinara

From: Tony Ouyang
To: Sam (SP)
Cc: Brian Richard (SP) ; Gary Lamolinara (SP)
Sent: [REDACTED]
Subject: [REDACTED]

Dear Gary/Sam,

Referring Med Size Rose Garden set, formerly we quoted this at US\$ [REDACTED], as per our quotation dated on [REDACTED].
Now Michael is offering you a lower price at US\$ [REDACTED] FOB [REDACTED] container load and all term as before.

Rgs/Tony Ouyang

----- Original Message -----

From: Tony Ouyang
To: Mike Zhang
Sent: Thursday, May 29, 2003 8:31 AM
Subject: Fw: Rose Garden price ...

From: Tony Ouyang
To: Brian Richard
Cc: Sam (SP) ; Gary Lamolinara (SP)
Sent: [REDACTED]
Subject: Re: [REDACTED]

Dear Sam/Gary,

The price for the Rose Garden sample with the Twist loc. is as below.

Rose Garden (middle size) with Twist loc (wall mount, post mount and hang mount) with clear seedy glass, Price: [REDACTED]

Rose Garden (middle size) with Twist loc. (wall mount, post mount and hang mount) with clear cloudy (Alabaster) glass, Price: [REDACTED]

L380 (CK No. [REDACTED]), price: [REDACTED]

F3977 (CK No. [REDACTED]) Price: [REDACTED]

Remark:

1. Pack with white box.
2. Container Loading only.
3. FOB HK.

Please confirm.

EXHIBIT A
(PAGE 5 OF 5)



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December 7, 2005

Date

Lisa Engel
Signature

EV637260835US

Express Mailing Label No.

Lisa Engel

Printed Name

DECLARATION
OF Fred W. Kimick UNDER 37 CFR 1.132

December 5, 2005

I, Fred W. Kimick declare as follows:

1. **EXPERIENCE**

- (a) 35 years experience in the home lighting fixture industry.
- (b) Employed 5 years as electrical contractor/installer.
- (c) 25 years employed as General Manager for S & H Electric.
- (d) ~~9~~ years Owner and sole proprietor of S & H Electric & Supply Company.
3 F.W.K.

2. **I HAVE REVIEWED:**

- (a) The Patent Application Serial No. 10/645,377;
- (b) United States Patent No. 6,296,377 to Wilson et al. entitled "Convertible Modular Lantern" ("Wilson");
- (c) US Patent No. 6,913,376 to Judd et al. entitled "Sealing Bulb Boot for Moveable Reflectors" ("Judd");

- (d) US Patent No. 4,306,280 to Burke entitled "Multi-adjustable supporting device" ("Burke");
- (e) Examiners Office Communication (dated 9/07/05) in this Patent Application, Serial No. 10/645,377; and
- (f) The attached claims.

3. **THE LEVEL OF SKILL OF ONE SKILLED IN THIS ART**

In my opinion, a person of ordinary skill in this art would be a Light Fixture Designer with experience in Home Light Fixture Assembly sales. The person would have a working knowledge of the Home Light Fixture Assembly industry. The person would either be an engineer with two (2) years experience working in the field or in place of a degree in engineering, the person would have an equivalent experience in the Home Light Fixture Assembly industry for two to four (2-4) years. The person would have knowledge of Home Light Fixture Assemblies and how they are made and sold.

4. **Fact Statements Related Obviousness Issue**

- (a) Application, Serial No. 10/645,377 discloses a home lighting fixture.
- (b) Claims 1, 2, 4, and 7 would convey to a person ordinary skill in the art structure for a home light fixture that can be mounted to a wall, a post, or a chain.
- (c) Claims 3, 5, and 6 convey to a person of ordinary skill in the art a method for assembling a home light fixture.
- (d) A person of ordinary skill in the art would not consider Judd when trying to make a home light fixture that is convertible to all of the different mounts. Judd is an automotive light assembly. Different mounts are not required for an automotive light assembly because the automotive light assembly is specifically designed to fit into a particular car. People that make automotive light assemblies have to take into account different factors from the factors considered by those making home light fixtures. When inventing an

automotive light assembly one would have to consider the following factors among others that would not be considered when making a home light fixture:

- 1) It has to be a sealed;
- 2) A reflector is needed;
- 3) It has to be able to withstand vibrations;
- 4) The effect of high speed impact of bugs and impact with other objects;
- and
- 5) The space available underneath the hood or in the trunk of the car.

(e) The Applicant's field of endeavor is home light fixtures. A person of ordinary skill in the art reviewing the Applicant's application would know the field of the invention is home lighting fixtures. Automotive light assemblies are often referred to as Headlamps. Home light fixtures cannot be used as an automotive light assembly. An automotive light assembly cannot be used as a home light fixture.

(f) I know of no instances in which a person of ordinary skill in the home light fixture industry considered Automotive light assemblies to make a light fixture. The two are totally different fields.

(g) There is no suggestion or motivation, either in Judd and Wilson or in the knowledge generally available to one of ordinary skill in the art to modify or combine the reference teachings. Judd makes no suggestion to use its light socket's nonthreadably releasably coupling on mounts for home light fixtures. Wilson does not teach or suggest an alternative to couple the home light fixture body to the mount other than through threaded screws. Wilson does not mention automotive light assemblies. Wilson does not suggest or teach that its method can be used for other mounts.

(h) Wilson does not show a post mount. Reference No. 162 in Wilson is not a post mount. A post mount is term known by a person of ordinary skill in the art to be a weight bearing support structure that connects a light fixture to a

post. A post mount can be seen in Application Serial No. 10/645,377 as Reference No. 8.

- (i) There is no suggestion or motivation, either in Wilson and Burke or in the knowledge generally available to one of ordinary skill in the art to modify or combine the reference teachings of Wilson and Burke. Burke makes no mention of use of its chain to be adapted to a convertible mount that requires rewiring. There is no suggestion in Wilson to add additional mounts with its rewiring features. Wilson requires a rod with the wiring and it would be difficult to incorporate into a chain mount. Wilson only uses one (1) mount that can be rewired to be used on the top or the bottom of the lighting fixture. There is no suggestion or teaching in Burke to use it with replaceable wiring.

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Fred W. Kimick
Fred W. Kimick

Date: 12/5/05

Attached Claims

1. (Currently Amended) A light fixture designed to be mounted to a wall, a post, or a chain assembly comprising:

- (a) a light fixture body;
- (b) a mount for the light fixture body for attachment to a support

structure; and

- (c) a locking mechanism for nonthreadably releaseably coupling the light fixture body to the mount, a first portion of the locking mechanism attached to the light fixture body, a second portion of the locking mechanism attached to the mount whereby the light fixture body is attached to the mount.

2. (Currently Amended) A light fixture assembly as recited in claim 1 wherein coupling the light fixture body to the mount includes twist locking.

3. (original) A method for assembling a light fixture comprising:

- (a) providing a light fixture assembly having a light fixture body, a post mount, a chain mount, a coach mount, and a finishing piece;
- (b) selecting an appropriate mounting piece; and
- (c) attaching the appropriate mounting piece and the finishing piece to the light fixture body without using tools.

4. (previously presented) The lighting fixture of claim 1 wherein the mount has a hard wired lighting socket.

5. (previously presented) The method as recited in claim 3 wherein the post mount has a lighting socket attached and hard wired to the post mount, the chain mount has a

lighting socket attached and hard wired to the chain mount, and the coach mount has a lighting socket attached and hard wired to the coach mount.

6. (previously presented) A method for assembling a light fixture consisting of:

- (a) providing a light fixture assembly having a light fixture body, a post mount having a lighting socket, a chain mount having a lighting socket, a coach mount having a lighting socket, and a finishing piece;
- (b) selecting an appropriate mounting piece; and
- (c) attaching the appropriate mounting piece and the finishing piece to the light fixture body without using tools.

7. (previously presented) The lighting fixture as recited in claim 1 wherein the first portion of the locking mechanism is a hole having three notches in the circumference of the hole and the second portion of the locking mechanism is a circular disc member having three tabs extending from the circular disc member.

DEC 07 2005

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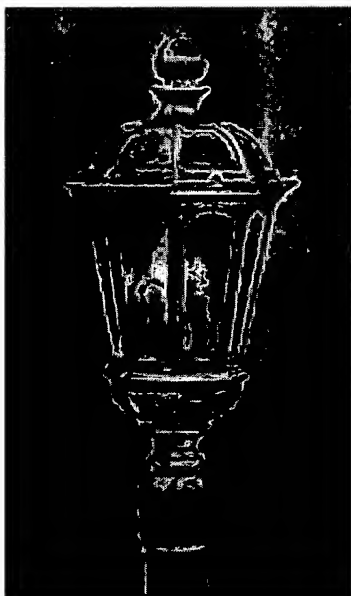
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Kichler Outdoor Post Mount Light 9994LZ

Item Number: 9994LZ



MSRP: ~~\$266.00~~
Our Price: \$239.40

Post Mount 3Lt Incandescent

- Color: Legacy Bronze
- Height: 25.5"
- Width: 12"
- Number of Bulbs: 3
- Maximum Wattage: 60W
- Bulb Base: Candelabra
- Voltage: 120V
- Style: Transitional
- Bulbs: bulb not included
- Shade or Diffuser: CLEAR SEEDY PANELS
- Body Material: Cast Aluminum
- UL and/or CSA listed use: Suitable for Wet Locations

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